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APPLICATION NO.	FILING DATE	FIRST NAMED INVENTOR	ATTORNEY DOCKET NO.	CONFIRMATION NO.
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10/563,954

01/10/2006

Werner Pfeiffer

50244

3594

1609 7590 05/10/2010

ROYLANCE, ABRAMS, BERDO & GOODMAN, L.L.P.

1300 19TH STREET, N.W.

SUITE 600

WASHINGTON,, DC 20036

EXAMINER

POPOVICS, ROBERT J

ART UNIT

PAPER NUMBER

1797

MAIL DATE

DELIVERY MODE

05/10/2010

PAPER

Please find below and/or attached an Office communication concerning this application or proceeding.

The time period for reply, if any, is set in the attached communication.

Office Action Summary	Application No. 10/563,954	Applicant(s) PFEIFFER, WERNER	
	Examiner /Robert James Popovics/	Art Unit 1797	

-- The MAILING DATE of this communication appears on the cover sheet with the correspondence address --

Period for Reply

A SHORTENED STATUTORY PERIOD FOR REPLY IS SET TO EXPIRE 3 MONTH(S) OR THIRTY (30) DAYS, WHICHEVER IS LONGER, FROM THE MAILING DATE OF THIS COMMUNICATION.

- Extensions of time may be available under the provisions of 37 CFR 1.136(a). In no event, however, may a reply be timely filed after SIX (6) MONTHS from the mailing date of this communication.
- If NO period for reply is specified above, the maximum statutory period will apply and will expire SIX (6) MONTHS from the mailing date of this communication.
- Failure to reply within the set or extended period for reply will, by statute, cause the application to become ABANDONED (35 U.S.C. § 133). Any reply received by the Office later than three months after the mailing date of this communication, even if timely filed, may reduce any earned patent term adjustment. See 37 CFR 1.704(b).

Status

- 1) ☒ Responsive to communication(s) filed on 21 January 2010.
- 2a) ☒ This action is **FINAL**. 2b) ☐ This action is non-final.
- 3) ☐ Since this application is in condition for allowance except for formal matters, prosecution as to the merits is closed in accordance with the practice under *Ex parte Quayle*, 1935 C.D. 11, 453 O.G. 213.

Disposition of Claims

- 4) ☒ Claim(s) 8-21 is/are pending in the application.
- 4a) Of the above claim(s) _____ is/are withdrawn from consideration.
- 5) ☐ Claim(s) _____ is/are allowed.
- 6) ☒ Claim(s) 8-21 is/are rejected.
- 7) ☐ Claim(s) _____ is/are objected to.
- 8) ☐ Claim(s) _____ are subject to restriction and/or election requirement.

Application Papers

- 9) ☐ The specification is objected to by the Examiner.
- 10) ☒ The drawing(s) filed on 1/21/2010 is/are: a) ☐ accepted or b) ☒ objected to by the Examiner.
Applicant may not request that any objection to the drawing(s) be held in abeyance. See 37 CFR 1.85(a).
Replacement drawing sheet(s) including the correction is required if the drawing(s) is objected to. See 37 CFR 1.121(d).
- 11) ☐ The oath or declaration is objected to by the Examiner. Note the attached Office Action or form PTO-152.

Priority under 35 U.S.C. § 119

- 12) ☒ Acknowledgment is made of a claim for foreign priority under 35 U.S.C. § 119(a)-(d) or (f).
- a) ☒ All b) ☐ Some * c) ☐ None of:
1. ☐ Certified copies of the priority documents have been received.
 2. ☐ Certified copies of the priority documents have been received in Application No. _____.
 3. ☒ Copies of the certified copies of the priority documents have been received in this National Stage application from the International Bureau (PCT Rule 17.2(a)).

* See the attached detailed Office action for a list of the certified copies not received.

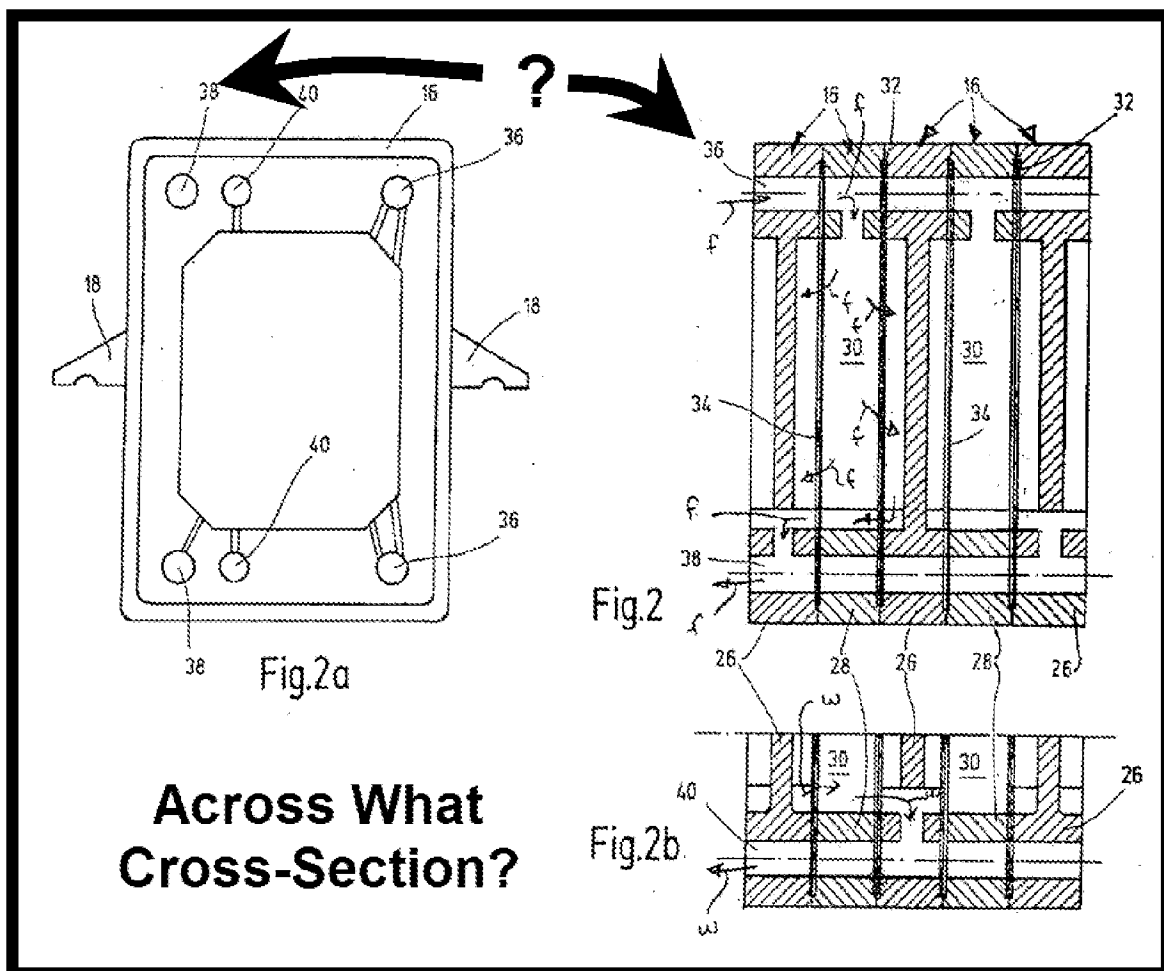
Attachment(s)

- | | |
|--|---|
| 1) <input type="checkbox"/> Notice of References Cited (PTO-892) | 4) <input type="checkbox"/> Interview Summary (PTO-413) |
| 2) <input type="checkbox"/> Notice of Draftsperson's Patent Drawing Review (PTO-948) | Paper No(s)/Mail Date. _____ |
| 3) <input type="checkbox"/> Information Disclosure Statement(s) (PTO/SB/08) | 5) <input type="checkbox"/> Notice of Informal Patent Application |
| Paper No(s)/Mail Date _____ | 6) <input type="checkbox"/> Other: _____ |

DETAILED ACTION

Claim Rejections - 35 USC § 112

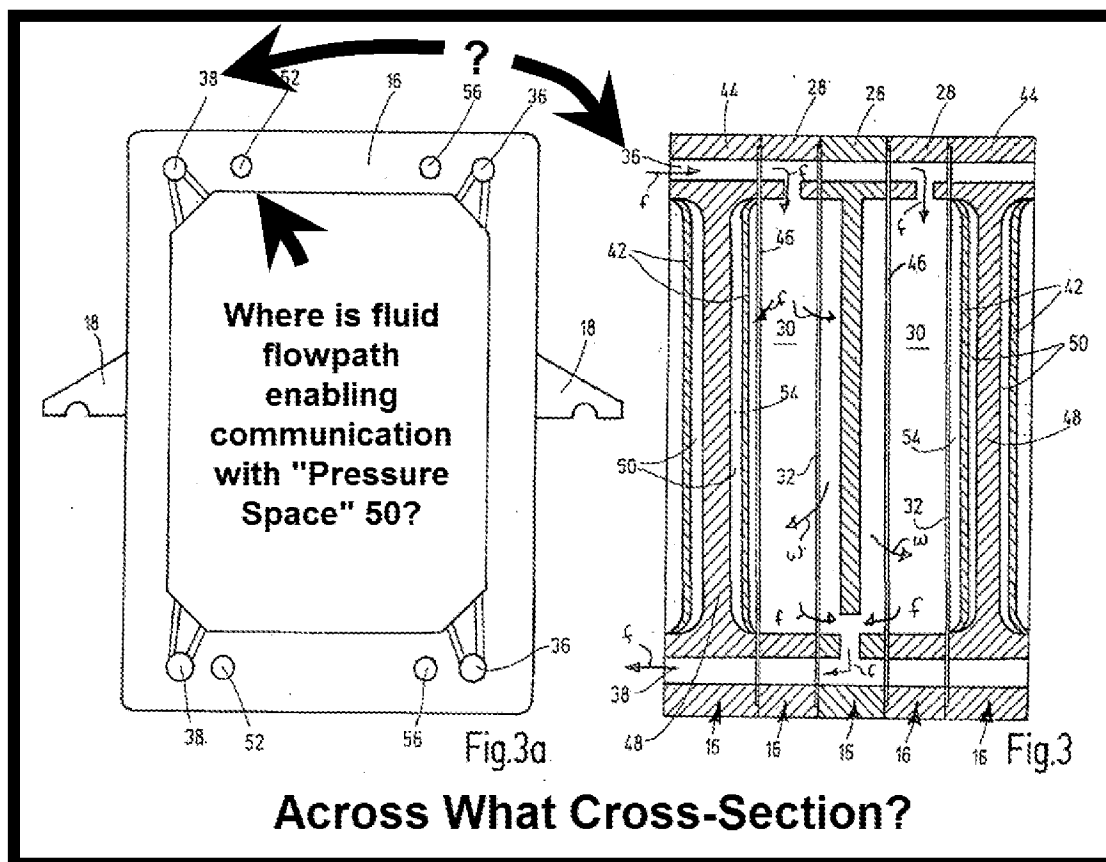
Claims **8-21** are rejected under 35 U.S.C. 112, first paragraph, as failing to comply with the enablement requirement. The claim(s) contains subject matter, which was not described in the specification in such a way as to enable one skilled in the art to which it pertains, or with which it is most nearly connected, to make and/or use the invention. Operation of the claimed process and device, when viewed in light of the originally filed disclosure, remains a mystery.



Elected

[0031] In the embodiment shown in FIG. 3, on the right one respective deep-bed filter medium as the respective laminar filter 32 is inserted toward the edge-side boundary of the filtrate space 30 viewed in the direction of looking at FIG. 3. On the opposite side, this time a filter cloth 46 of conventional structure as another filter medium borders the filtrate space 30. As FIG. 3 furthermore shows, along one middle plane the respective membrane plate 44 has two membranes 42 which are separated by one chamber wall 48. Between the chamber wall 48 and the respective membrane adjacently opposite, a pressure space 50 is formed by delivering and draining a pressurized fluid by way of the pressure channels 52 (compare FIG. 3a) the respective membrane 42, for example in the form of a rubber-elastic membrane, being pressed in the direction of the adjacently opposite filter cloth wall 46, the respective filter cloth 46 being provided with a definable fluid permeability. Furthermore, the respective membrane 42 with the filter cloth 46 assignable thereto borders a washing chamber 54 which can be supplied with a definable washing liquid by way of other channels 56 (compare FIG. 3a).

How?



Drawings

Given the inconsistencies and lack of clarity as to what cross-section is being referred to, the drawings submitted on **January 21, 2010** have **NOT BEEN APPROVED**.

Response to Amendment

The amendments filed **August 31, 2009** and **January 21, 2010** are objected to under 35 U.S.C. 132(a) because they introduce new matter into the disclosure. 35 U.S.C. 132(a) states that no amendment shall introduce new matter into the disclosure of the invention. The added material which is not supported by the original disclosure is as follows flow directional arrows; lines indicating various cross-section cuts; and all amendments to the Brief Description of the Drawings.

Applicant is required to cancel the new matter in the reply to this Office Action.

Response to Arguments

Applicant's arguments filed 1/21/10 have been fully considered but they are not persuasive. Applicant has argued that the “**cross sections would be readily apparent to one of ordinary skill in the art upon studying the drawings and the descriptive portion of the specification.**” The undersigned respectfully disagrees. One skilled in the art would not have understood the novel, unconventional and confusing approach taken by Applicant in visualizing and depicting cross sections.

Regarding the “**delivery and draining of pressurized fluid into space 50 via pressure channels 52,**” Applicant has argued, “**the pressure spaces 50 and pressure channels 52 are connected in the same manner as the other channels to**

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their respective spaces.” And that, “Such connection would be readily apparent to one skilled in the art based on the original disclosure (including the entire specification and drawings).” The undersigned respectfully disagrees.

The Responses of **August 31, 2009** and **January 21, 2010** have been somewhat illuminating in a way that the originally filed disclosure should have been. Unfortunately, the addition of such illuminating items such as cross section cut lines and flow directional arrows after filing, is seen to constitute prohibited new matter. The quid pro quo for the exclusive right is disclosure. Applicant's originally filed disclosure would not have enabled those skilled in the art to practice the claimed invention.

Conclusion

THIS ACTION IS MADE FINAL. Applicant is reminded of the extension of time policy as set forth in 37 CFR 1.136(a).

A shortened statutory period for reply to this final action is set to expire **THREE MONTHS** from the mailing date of this action. In the event a first reply is filed within **TWO MONTHS** of the mailing date of this final action and the advisory action is not mailed until after the end of the **THREE-MONTH** shortened statutory period, then the shortened statutory period will expire on the date the advisory action is mailed, and any extension fee pursuant to 37 CFR 1.136(a) will be calculated from the mailing date of the advisory action. In no event, however, will the statutory period for reply expire later than **SIX MONTHS** from the mailing date of this final action.

Any inquiry concerning this communication should be directed to /Robert James Popovics/ at telephone number (571) 272-1164.

**/Robert James Popovics/
Primary Examiner
Art Unit 1797**

Search Notes

Application/Control No.

10/563,954

Examiner

Robert James Popovics

Applicant

PFEIFFER, Werner

Art Unit

1797

SEARCHED

Class	Subclass	Date	Examiner
210	772	6-27-06	RJP

INTERFERENCE SEARCHED

☐ PG PUB search conducted; search logic is attached.

Date: _____ Initials: _____

**SEARCH NOTES
(INCLUDING SEARCH STRATEGY)**

	DATE	EXMR
Text Search Conducted.	6-27-06	RJP
Text Search Conducted.	11-26-07	RJP
Text Search Conducted.	6-8-08	/RJP/
Text Search Conducted.	5-26-09	/RJP/
Text Search Conducted.	9-29-09	/RJP/
Text Search Conducted.	5-9-10	/RJP/